

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and the following remarks are presented for the Examiner's consideration.

Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Independent claim 19 and dependent claims 3, 6-9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,493,604 to Hirayama (hereinafter "Hirayama") in view of International Publication No. WO 99/21343 to Azartash et al. (hereinafter "Azartash") and further in view of Japanese Publication No. JP411027352 (hereinafter "Takahashi") and U.S. Patent No. 5,260,998 to Takagi (hereinafter "Takagi"). For at least the following reasons, the Examiner's rejection is respectfully traversed.

In regard to claim 19, the Office action states that antenna 11 of Hirayama discloses "an I/O connector" in the upper case because it connects the phone wirelessly to a base station. A person of ordinary skill in the art would not consider an antenna to be equivalent to an I/O connector. Furthermore, the Office action states that the antenna 11 of Hirayama also discloses "a RF communication section" in the upper case. In other words, the Office action improperly relied on the antenna 11 twice to disclose two different limitations of claim 19.

In further regard to claim 19, the combination of the references cited fails to disclose that "components corresponding to the control processing section, the display, the RF communication section, the I/O connector, and the vibrator are mounted on said hard board." The Office action states that Hirayama discloses a hard upper casing 1 on which some of the components are

mounted. The Examiner appears to think that “an upper case” and “a hard board” of claim 19 are somehow interchangeable when they are clearly recited as distinct elements.

Moreover, it is not sufficient for the prior art to simply disclose the above components. They must also disclose whether these components are mounted on the hard board or the flexible board since claim 19 contains such limitations. For example, it is unclear on which type of board a vibrator of Azartash would be mounted.

Furthermore, because a flexible printed wiring board 26 of Takagi almost extends over the entire length of a first flat segment 2 and a second flat segment 12, applicant wonders whether it would be compatible with an upper casing inside of which a hard board is arranged and doubts that a person of ordinary skill in the art would have been motivated to combine Takagi with the other references.

Finally, the cited references do not disclose that “a battery terminal, a microphone, a key diaphragm, and a LED for keys are all mounted on portions of one surface of the flexible board and said portions are folded or turned down before storing in the lower case” as recited in claim 19. First, the Office action fails to point out where the listed components are disclosed. Second, the Office action appears to equate a foldable phone with the fact that some portions of the flexible board on which these components are mounted are stored in the lower case by folding or turning down. That a phone is foldable is totally irrelevant to this limitation.

In regard to claim 7, the combination of references cited fails to disclose that “the view port is disposed between the microphone and the key operation section.” Claim 19, from which claim 7 depends, recites that the key operation section is in the lower case. Thus, while Azartash may disclose a viewing window 44, it does not disclose the key operation section since there is no corresponding element in a cover 36 in FIG. 5 of Azartash.

In regard to claim 10, the combination of references cited fails to disclose that “a portion of the upper case and the lower case in the vicinity of the hinge portion is narrower than a remaining portion.” This feature improves the gripping property of this communication terminal. Contrary to the statements in the Office action, FIGS. 4 and 6 of Takagi do not show that the board 26 is narrower and, furthermore, the limitation relates to the upper and lower cases instead of the board.

Based on the discussion above, the rejection of independent claim 19 and claims depending therefrom must be retracted.

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hirayama, Azartash, Takahashi and Takagi as applied to claim 1, and further in view of U.S. Patent No. 6,310,609 to Morgenthaler (hereinafter “Morgenthaler”). For at least the following reasons, the Examiner’s rejection is respectfully traversed.

It is questionable whether the limitation that “a menu selecting section for selecting a menu by navigating through a menu system displayed on the display is disposed in the vicinity of a lower side of the display” is disclosed by the references cited in the Office action. Morgenthaler was relied upon to disclose the menu selecting section in the vicinity of a lower side of the display. However, the four references cited in regard to claim 1 all relate to a foldable phone with an upper case and a lower case and Morgenthaler relates to a non-foldable telephone handset without upper and lower cases. Applicant doubts that the combination of Morgenthaler and the other references is as obvious as the Office action asserts since differences in the relative arrangement of the menu selecting section and the display in the two types of phones may have arisen from difficulties in arranging them near one another. The Office action fails to show why

the combination would have been obvious and, without a reference indicating such obviousness, applicant can only conclude that the Examiner is relying on hindsight.

Therefore, the rejection of claim 2 was improper.

Independent claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of U.S. Patent No. 5,857,148 to Weissshappel et al. (hereinafter "Weissshappel") and further in view of Japanese Publication JP 406224816 (hereinafter "Tamura"), Takahashi and Takagi. For at least the following reasons, the Examiner's rejection is respectfully traversed.

Hirayama does not disclose "an I/O connector" arranged "in the lower case" as recited in claim 20. Contrary to the Office action, a person of ordinary skill in the art will not think that a combination of volume adjust buttons, an input to the phone, the display, and an output from the phone discloses "an I/O connector." Moreover, volume adjust buttons 14 and display 13 are both part of the upper receiving section 1 instead of a lower case. After stating that display 13 discloses "an I/O connector", the Office action improperly relies on it again to disclose a display in the upper case. Furthermore, as previously mentioned in regard to claim 19, the Examiner appears to confuse the upper case and the hard board, which are two different elements in that the hard board is arranged inside the upper case. Accordingly, the fact that certain components are mounted on "a hard upper casing 1" is irrelevant to the limitations of claim 20 that "a hard board is arranged and accommodated inside said upper case" and that some components are "mounted on said hard board."

In regard to the limitation that "components corresponding to the key operation section, the I/O connector, the vibrator and the battery are mounted on said flexible board" in claim 20,

Takagi discloses the flexible board but does not disclose that these specific components are mounted on the flexible board. Therefore, Takagi does not fully disclose this limitation.

Moreover, as discussed in regard to claim 19, that the resultant phone from the above combination is foldable is totally irrelevant to the limitation that “a portion of said flexible board, on which at least one of the components corresponding to the battery terminal, the vibrator, the microphone, the buzzer, the key diaphragm, and the LED is mounted, is folded along a folded portion when said flexible board is arranged in the lower case” of claim 20. This limitation relates to the mounting of components in the lower case and not how the phone is opened or closed. Furthermore, the Office action does not point out what references disclose the individual components of this limitation.

Finally, there is no support in the prior art that the combination of Hirayama, Weissshappel, Tamura, Takahashi and Takagi is as obvious as the Office action makes it seem. Because the references were selected to primarily disclose the individual components recited in claim 20, it fails to appreciate that a person of ordinary skill in the art cannot combine them or will not be motivated to do so. For example, the majority of components in Tamura are in first partial casing 2 while second partial casing 3 houses a vibrator 7, and a microphone 8. In Weissshappel, most of the components are in lower housing 106 and upper housing portion 108 houses a battery 135. It is doubtful that a person of ordinary skill in the art would have considered combining these two references with Hirayama, Takahashi and Takagi where the arrangement of components varies so greatly among the references.

Based on the above discussion, the rejection of independent claim 20 and claims depending therefrom must be retracted.

In regard to claim 14, similarly to claim 10, none of the references discloses that “a portion of the upper case and the lower case in the vicinity of the hinge portion is narrower than a remaining portion.”

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33388.

Respectfully submitted,
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